

RESOLUTION NO. R-93-95

ADOPTING AMENDED SMOKING POLICY

Whereas, Resolution No. R-97-93, adopted on May 4, 1993, established a City Smoking Policy and needs to be amended;

Now, Therefore, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GADSDEN, ALABAMA, that the following is adopted as the City of Gadsden Smoking Policy:

Section 1. Statement of Policy

It is the policy of City to provide a safe and non-hazardous work environment for all employees, insofar as possible.

Section 2. Accommodation of Smokers and Non-Smokers

An attempt will be made to reach a reasonable accommodation between the preferences of smoking and non-smoking employees. However, if a satisfactory accommodation cannot be reached, the preferences of non-smoking employees shall prevail for health, safety and welfare reasons.

Section 3. Posting of Signs

A "No Smoking" sign shall be conspicuously posted at all entrances of all enclosed buildings owned and/or operated by the City. The signs shall state in substance the following:

"Smoking is prohibited throughout this building, except in designated smoking areas."

#### Section 4. Prohibited Smoking Areas

Smoking is prohibited in the following areas: hallways, lobbies, restrooms, mail rooms, courtrooms, meeting rooms, conference rooms, elevators, rooms containing photocopying or telecommunication equipment, and any area in which smoking might be a fire or safety hazard.

#### Section 5. Common Work Areas

In areas where smokers and non-smokers work together, supervisors should make a reasonable effort to separate smokers from non-smokers. In doing so, supervisors should take into consideration air flow, ventilation, existing physical barriers that might be of help, and individual sensitivities of non-smokers.

#### Section 6. City Vehicles

No employee shall smoke when in a City vehicle with a non-smoker. All pool cars are designated as non-smoking areas.

#### Section 7. Permitted Smoking Areas

Smoking is permitted in private offices, employee lounges and eating areas. "Private Offices" are those offices which are occupied by only one employee. However, the employee must post a "Designated Smoking Area" sign in a conspicuous place at the entrance to the office in order to notify non-smokers. The occupant should refrain from smoking in the office when a visitor or non-smoking employee is present.

Where the private office in which smoking is permitted is so close to a non-smoking area that existing air ventilation/

filtration systems do not adequately permit the flow of smoke to be prohibited, no smoking shall be permitted in the private office unless and until there is an adequate air ventilation/filtration system, the cost of which shall be borne solely by the smoking employee.

Adequate ashtrays and other appropriate containers shall be used by smokers. Smoking is permitted at open air work sites, provided a majority of employees have not expressed a desire for a smoke-free area.

#### Section 8. Procedure to Designate Smoking Areas

The procedures to designate a particular area as a smoking area, shall be as follows:

- A. A written request must be made to the director of the employee's department.
- B. The director must consent to the area in question being designated a smoking area.
- C. A "Designated Smoking Area" sign must be conspicuously posted.

#### Section 9. Smoking in Public Areas and Places

A tenant of City-owned property shall designate the site as smoke-free or may designate limited smoking areas.

Smoking at recreation centers is prohibited except in designated areas approved by the Director of Parks and Recreation.

#### Section 10. "No Smoking" Departments Permitted

Nothing in this policy requires a department to designate a smoking area. If the majority of employees within a department wish to totally ban smoking in the department, the department may

totally ban smoking in the department. However, in no event shall a department be designated a smoking area in its entirety.

#### Section 11. City Employees

Failure to abide by the provisions of this policy shall be grounds for discipline of an employee according to the progressive discipline provisions of the applicable handbook.

No extra break time shall be granted to any employee for the purpose of smoking or going to or returning from a designated smoking area. All on duty smoking shall be confined to break times, at permitted open air work sites where it does not unduly interfere with the progress of work, and in areas designated under Section 7 as smoking areas.

#### Section 12. Dispute Resolution

The success of this policy will depend upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. If this effort proves unsuccessful, any complaints or disputes resulting from the implementation of this policy, or smoking on City property in general, should be directed to the director in charge of that employee's department and/or to the Personnel Director. If a compromise cannot be reached, the right of a non-smoker to protect his or her health and comfort must prevail over an employee's desire to smoke.

#### Section 13. Retaliation Prohibited

No employee of the City shall harass or otherwise discriminate or retaliate against any other City employee who

seeks to enforce the mandates of this policy and/or any municipal ordinance regulating smoking.

Section 14. Notice

The City shall give notice to all employees of this policy by posting in each department of the City. The Personnel Department shall provide a copy of the policy to each new employee.

I hereby certify that the above and foregoing was duly adopted by the City Council of Gadsden, Alabama, at a meeting held on April 5, 1995.

Martha A. Elrod  
Martha A. Elrod, City Clerk